IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 7TH MARCH 2007 / 16TH PHALGUNA 1928

Bail Appl..No. 1368 of 2007

CP.8/2007 of J.M.F.C., KAYAMKULAM
CRIME NO.490/2004 OF KAYAMKULAM POLICE STATION

.....

PETITIONER/ACCUSED

RAJESH, S/O.RAJU, AGED 27 YEARS,
VALLANTHARA THEKKETHIL, PRYAR VADAKKUM MURI,
PUTHUPALY VILLAGE.

BY ADV. SRI.J.JULIAN XAVIER
SRI.FIROZ K.ROBIN

RESPONDENTS: COMPLAINANT

PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM REP. FOR STATION HOUSE OFFICR,
KAYAMKULAM POLICE STATION.

BY PUBLIC PROSECUTOR P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 07/03/2007, ALONG WITH B.A.1369/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.RAMKUMAR, J.

Bail Application Nos. 1368/2007 & 1369/2007

Dated this 7th day of March, 2007

O R D E R

The common petitioner in these applications is the accused in Crime Nos.490/2004 and 72/2004 respectively of Kayamkulam Police Station for an offence punishable under Section 8(2) of the Abkari Act.

2. In Crime No.490/2004, the petitioner is alleged to have been found in possession of two and a half litres of illicit arrack on 23.7.2004. He surrendered before the Magistrate only on 27.1.2007 and was remanded to judicial custody. In Crime No.72/2004 the petitioner is alleged to have been found in possession of four litres of illicit arrack on 7.2.2005.

3. The learned Public Prosecutor opposed the applications submitting inter alia that the petitioner has been involved in another case of similar nature.

4. I am not satisfied that both the grounds enumerated under Clause (b)(ii) of Sec. 41 A of the Abkari Act are present in this case so as to justify the release of the petitioner on bail.

The Applications are accordingly dismissed.

V.RAMKUMAR,
JUDGE

mrcs